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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,494

01/07/2005

Andreas Finke

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COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/520,494		FINKE, ANDREAS	
	Examiner		Art Unit	
	Gregory J. Strimbu		3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/7/05</u> . | 6) <input type="checkbox"/> Other: ____. |

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on December 9, 2002. It is noted, however, that applicant has not filed a certified copy of the DE 102 57 582.7 application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because the applicant has used the same reference characters to improperly refer to different embodiments of the invention. For example, reference character "10" has been used to designate both a supporting rail in a first embodiment of the invention and a supporting rail in a second embodiment of the invention. Since the structure of each invention is different in each embodiment of the invention, each embodiment requires a different reference character. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the threaded bore must be shown or the feature canceled from claim 15. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the description of figures 4-6 on line 6 of paragraph 16 is inadequate since it fails to set forth what each figure is showing and because it is unclear how figure 4 can show the

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holder according to itself; the description of figures 15-17 on lines 20-21 in paragraph 16 and the description of figures 19-21 on lines 24-25 of paragraph 16 are inadequate since it fails to set forth what each figure is showing

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a door leaf" on line 5 of claim 10 render the claims indefinite because it is unclear if the door leaf comprises part of the sliding door or is in addition to the sliding door. Recitations such as "said stator" on line 8 of claim 10 render the claims indefinite because it is unclear if the applicant is referring to the stator arrangement set forth above. Recitations such as "a supporting roller at each of said ends" on line 2 of claim 11 render the claims indefinite because it is unclear one roller can be at each of the ends of the carriage. Additionally, it is unclear if the applicant is referring to the at least one supporting roller set forth above or is attempting to set forth another roller in addition to the one set forth above. Recitations such as "said side" on line 3 of claim 12 render the claims indefinite because it is unclear to which one of the plurality of sides set forth above the applicant is referring. On line 1 of claim 18, it is suggested the applicant change "support" to --supporting-- to avoid confusion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-12, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Karita. Karita discloses a linear drive arrangement for a sliding door, the arrangement comprising: a guide track 105; a stator arrangement 141 which is fixed with respect to said guide track; a guide carriage 110 to which a door leaf 101 can be fixed for movement parallel to said guide track; a plurality of permanent magnets 131, 132 fixed to said carriage so that the carriage can be suspended by magnetic forces between said stator and said magnets; and at least one supporting roller 121 which can support said carriage on said guide track when said carriage is not fully suspended by said magnetic forces, wherein the guide carriage has a front end (not numbered, but shown in figure 4) and a rear end (not numbered, but shown in figure 4), and a supporting roller 121 at each of said ends, wherein the guide carriage 110 has a pair of opposed sides (not numbered, but shown in figure 5) extending between said ends, the supporting rollers being arranged on the same said side, wherein the supporting roller rolls on the guide track during the entire movement of the guide carriage, wherein the support roller rolls on the guide track only as movement of the carriage begins and ends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karita as applied to claims 10-12, 17 and 18 above, and further in view of Tucker. Tucker discloses a door system comprising a plurality of rollers 16, each said roller is journaled on a bearing shaft 36 which is received through a bore hole in a guide carriage 32, wherein each said bearing shaft 36 has a first end (not numbered, but shown in figures 3 and 5) on which a respective said roller is journaled eccentrically with respect to the axis of the shaft, wherein each said roller is detachable from the bearing shaft.

It would have been obvious to one of ordinary skill in the art to provide Karita with an adjustment means, as taught by Tucker, to increase the ease with which the position of the door can be adjusted relative to the surrounding frame.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karita as applied to claims 10-12, 17 and 18 above, and further in view of Redman et al. Redman et al. disclose a door system comprising a plurality of rollers 50, each said roller is journaled on a bearing shaft 70 which is received through a bore hole 88 in a guide carriage 80, wherein each said bearing shaft 70 has a first end 62 on which a

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respective said roller 50 is journaled eccentrically with respect to the axis of the shaft, each said bearing shaft has a second end (not numbered, but shown in figure 4) provided with a threaded bore 68 which receives a fastening screw 32.

It would have been obvious to one of ordinary skill in the art to provide Karita with an adjustment means, as taught by Redman et al., to increase the ease with which the position of the door can be adjusted relative to the surrounding frame.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson, Shectman, and Baus are cited for disclosing a roller adjustment means. Yoshino, Reyx, Zhou et al., Ayers, Baldwin, Fisher, and Trombetta are cited for disclosing an linear motor for a sliding door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
March 21, 2007